

**City of York Board of Zoning Appeals  
Minutes  
March 13, 2023**

**Members Present:**

Chairperson James Ramere  
Rodney Blair  
Jill Neff  
Bryant Brown  
Becca Caldwell  
Myra Sinz

**Members absent:**

**Others present:**

Planning Director Breakfield  
Zoning Administrator Blackston  
Planner Kim Womble  
(see sign-in sheet)

Chairperson James Ramere called the meeting to order at 6:00 pm.

**The first item of business** was approval of the draft Minutes from the February 23, 2023 meeting. Upon a Motion by Becca Caldwell, seconded by Rodney Blair, the Board of Zoning Appeals (BZA) unanimously approved the Minutes as submitted.

**The second item of business** was special exception request for a proposed single-family detached residential subdivision (Ratliff Heights) to be located at the intersection of Kings Mountain Street and Carroll Avenue.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the next item of business was a special exception application for the proposed Ratliff Heights single-family dwelling residential subdivision at the intersection of Kings Mountain St and Carroll Ave
2. The applicant was Eastwood Homes and the property is referenced by York County Tax Map Id # 0700209023.
3. A rezoning application was being processed for this project as well. The applicant proposed to rezone the property from R15- Restricted Residential to R5- Multifamily Residential.
4. The applicant requested that the property be R5 to facilitate a desired project that would not be allowed under the current zoning classification. As with any rezoning application, the Planning Commission (PC) must review the application and then render a recommendation to York City Council. At a recent meeting, the PC recommended that York City Council approve the rezoning request.

5. Please be mindful that any motion to approve the special exception application and conceptual site plan must be contingent on York City Council ultimately approving the requested R5 – Multifamily Residential zoning designation for the properties. At its March 7<sup>th</sup> meeting, York City Council gave conditional first reading approval to the rezoning request based on the applicant providing or paying for a sidewalk connection to the existing sidewalk system along Kings Mountain St near Hillcrest Dr. City Council is scheduled to conduct a public hearing and 2nd reading regarding this matter on April 4<sup>th</sup>.
6. In a R5 – Multifamily Residential Zoning District, single-family dwelling subdivisions are allowed only with special exception approval from the BZA. We received the special exception application and conceptual site plan that was provided in your meeting packet for a single-family dwelling subdivision to be located as previously noted.
7. As with any such special exception application, the PC must review the application and then render a recommendation to the Board of Zoning Appeals (BZA). The BZA must take the PC recommendation, conduct a public hearing(s), receive public feedback and make a final decision on the matter.
8. As the special exception application and conceptual site plan are reviewed, the BZA must be mindful that, among other things, the following factors must be addressed in the decision-making process:
  - The proposed design and location of the particular development.
  - The possible traffic-generating characteristics of the proposed development.
  - The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
  - The availability of public utilities, facilities and services.
9. At a recent meeting, the PC recommended that the BZA conditionally approve the special exception application and conceptual site plan based on specified issues being addressed. The provided Minutes from the pertinent PC meeting provide details regarding the required conditions. Also, please be reminded that York City Council has required that the applicant provide or pay for a sidewalk connection to the existing sidewalk system along Kings Mountain St near Hillcrest Dr.
10. The applicant requested approval of the submitted special exception application, conceptual site plan and supporting information. The applicant provided information to address PC concerns and was prepared to discuss Council's sidewalk requirement for the project.
11. Please be reminded that any motion to approve the special exception application and conceptual site plan must be contingent on York City Council ultimately approving the annexation and the requested R5 – Multifamily Residential zoning designation for the property.
12. Please be mindful that the BZA has a maximum of 75 days from the initial public hearing regarding this application to make a decision regarding such applications; otherwise, the application is deemed approved.
13. If the application is denied, the same application cannot be submitted again for a period of at least one (1) year.
14. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.

15. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing, discussion and upon a Motion by Becca Caldwell, seconded by Myra Sinz, the BZA tabled the application until the April 11<sup>th</sup> BZA meeting due to the concerns regarding the sidewalk extension to Hillcrest Drive along Kings Mountain Street, the proposed housing density of the project and off street parking.

**The third item of business** was special exception application for a cluster housing, single-family detached residential project for property located off of Rose Street near Williams Street.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the next item of business was a special exception/cluster housing application for a proposed single-family dwelling residential subdivision off of Rose St near Hunter St and Williams St.
2. The applicant was Amy Hutchins and the property was referenced by York County Tax Map Id #'s 0700604007, 0700604008, 0700604009, 0700604010 & 0700604011.
3. In a R7 – Residential Zoning District, cluster housing, single-family dwelling subdivisions are allowed only with special exception approval from the BZA. We received the special exception application and conceptual site plan that was provided in your meeting packet for a single-family dwelling subdivision to be located as previously noted.
4. As with any such special exception application, the PC must review the application and then render a recommendation to the Board of Zoning Appeals (BZA). The BZA must take the PC recommendation, conduct a public hearing(s), receive public feedback and make a final decision on the matter.
5. As the special exception application and conceptual site plan are reviewed, the BZA must be mindful that, among other things, the following factors must be addressed in the decision-making process:
  - The proposed design and location of the particular development.
  - The possible traffic-generating characteristics of the proposed development.
  - The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
  - The availability of public utilities, facilities and services.
6. At a recent meeting, the PC recommended that the BZA conditionally approve the special exception application and conceptual site plan based on specified issues being addressed. The provided list of Staff comments as well as the Minutes from the pertinent PC meeting provide details regarding the required conditions. The provided Staff comments should be used as a checklist and each item should be discussed individually.

7. In particular, after discussing the alternative street construction proposal with City Attorney Brice, the Planning Commission and Board of Zoning Appeals do not have the authority to allow anything less than the full standard required by the City code because a street requirement is an “improvement” specification that cannot be waived or altered; furthermore, it is important that the minimum street standards not be varied for a number of reasons but most prominently for purposes of utilities, public safety and emergency personnel access/maintenance. The provided information from Utilities Director Ben Wright describes the ways in which the proposed alternative street design is deficient. In summary, per advice and requirements from the City Attorney Brice and Utilities Director Wright, the streets should be designed per standard City requirements and not the alternative method included in the current proposal.
8. The applicant requested approval of the submitted special exception application, conceptual site plan and supporting information.
9. Please be mindful that the BZA has a maximum of 75 days from the initial public hearing regarding this application to make a decision regarding such applications; otherwise, the application is deemed approved.
10. If the application is denied, the same application cannot be submitted again for a period of at least one (1) year.
11. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.
12. As with all public hearings, the agenda was posted to a local newspaper, the City’s website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing, discussion and upon a Motion by Becca Caldwell, seconded by Myra Sinz, the BZA tabled the application until the April 11<sup>th</sup> meeting to give the applicant time to revise the proposed street system to meet City standards to provide clarification regarding the proposed buffer around the property perimeter, to provide HOA information and clarification regarding off street parking.

Also, the Board raised a question as to the minimum price point where a house would at least pay for City services via property taxes on the houses.

There being no further business, the meeting was adjourned at 7:26 pm.

Respectfully submitted,

C. David Breakfield Jr., MCP, AICP  
Planning Director

Amanda C. Blackston  
Zoning Administrator

cc: City Manager Dalton Pierce  
File- Board of Zoning Appeals 3/13/2023